

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:23-CV-24299-MORENO/TORRES

MARIA ELENA CHAVEZ LETONA,

Plaintiff,

vs.

AMOR DE JESUS, CORP.,
SWEET LIVING FACILITY INC.,
JOSE MACHADO,
ZELMIRA QUINONEZ, and
AMINTA QUINONEZ,

Defendants.

_____ /

DECLARATION OF MARIA ELENA CHAVEZ LETONA
PURSUANT TO FLA. STAT. §95.525

I, Maria Elena Chavez Letona, make the following declaration pursuant to 28 U.S.C. §1746 and declare as follows:

1. My name is Maria Elena Chavez Letona, and I am the Plaintiff in this case.
2. I make this Declaration based on my personal knowledge.
3. I am over 18, *sui juris*, and competent to testify to the matters contained in this Declaration.
4. I worked at the Assisted Living Facility, located at 15505 S.W. 16th Lane, Miami, Florida 33185, owned by Sweet Living Facility Inc. (“SLF”), from 2020 through August 2022.
5. I also worked at the Assisted Living Facility, located at 14283 S.W. 177th Street, Miami, Florida 33177, owned by Amor De Jesus, Corp. (“ADJ”), from 2020 through August 2023.

6. While I worked for the Defendants at SLF and ADJ, my daily job duties included distributing medication to residents of these ALFs based on the medication regimen the Defendants provided me, observing the residents take their medication, and completing the documentation required by the Defendants.

7. While working at SLF, Zelmira Quinonez instructed me to perform the job duties listed above. While working at ADJ, Aminta Quinonez instructed me to perform these job duties.

8. The Defendants kept the medication for the residents of their ALFs in locked cabinets inside SLF and ADJ.

9. At each of the ALFs at issue in this case, Defendants kept a medication logbook inside of their respective offices.

10. These medication logbooks contained the name of each resident, a schedule supplied by each resident's pharmacy indicating the medications and dosages each resident was to take, the day/date each was to be taken, and the times each resident was required to take each specified medication.

11. I would review the medication logbooks to determine who was to receive what medication and when.

12. Zelmira Quinonez would unlock the medication cabinet at SLF, and Aminta Quinonez would unlock the medication cabinet at ADJ.

13. After retrieving each resident's medication from the locked cabinet at the designated time and in the designated dosage, I would distribute the medication to the residents by placing the medication in their hands and watching them take it.

14. I would follow the schedule provided by their pharmacy and contained in the medication logbook maintained at each facility.

15. After observing each resident take their medication, I would check off the appropriate box(es) in the logbook to indicate that each resident took his/her medication(s) at each required day/date and time.

16. I would then sign my initials next to each check box to indicate that I observed the residents take their medication at the time and date listed in the logbook.

17. When I learned that Defendants responded to the request to provide the logs detailing my activities, which should have resulted in the production of these medication logs, by saying they had “none,” I was shocked. (*See* RFP to Defs. ¶29 and Defs’ Resp. to RFP ¶29 “As to request No. 29, none.”, appended hereto as Exhibit “A” and “B,” respectively.)

18. The medication logbooks containing the dates and times I handed the medications to the residents would have enabled me to better and more accurately identify the dates and times I worked for the Defendants.

19. The medication logbooks containing the dates and times I handed the medications to the residents would have enabled me to better and more accurately calculate and determine the back wage damages I am seeking in this case.

20. The medication logbooks would also help to establish that Defendants “employed” me through documentary evidence I could have shown the Court and/or the Jury.

21. These medication logbooks would have established that Defendants had significant control over my work, including when and what I was to do over the course of a day and a week, since these medication logbooks were evidence of the number of pills or dosages of medications I was required to obtain for each resident, the times each day I was required to distribute the medication, the frequency they required me to distribute medication, and the extent of documentation I was required to complete during each day I worked for the Defendants.

22. Although these medication logbooks existed, Defendants have indicated that they no longer exist – and were destroyed.

23. Defendants' destruction of the medication logbooks prevents me from using them as documentary evidence in this case.

24. As a result of the Defendants' destruction of the medication logbooks containing my documentation, they have created a "swearing match" in which the Court and/or the jury can only consider testimony instead of being able to look at the actual medication logbooks, unfairly disadvantaging me in this case.

25. I fully understand and confirm the facts contained within this Declaration are true and correct.

DECLARATION

By my signature below, I execute this declaration in Miami-Dade County, Florida, and declare under penalty of perjury that the foregoing is true and correct.

By: Maria Elena Chavez Letona
MARIA ELENA CHAVEZ LETONA (Aug 9, 2024 17:33 EDT)


Dated: August 9, 2024

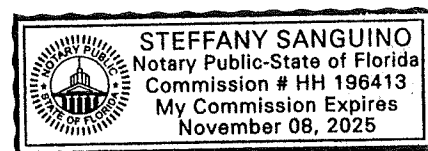
INTERPRETER'S ACKNOWLEDGEMENT

On August 9, 2024, Hillary Frontado Cordero, who is personally known to me, affirmed that the foregoing was translated for Maria Elena Chavez Letona and that she fully understood the contents of the foregoing.

Hillary Frontado Cordero

By: Hillary F
Interpreter

By: 
Notary Public / State of Florida



Declaration of Chavez Letona - Motion for Sanctions (Proposed)(Chavez Letona)

Final Audit Report

2024-08-09

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"Declaration of Chavez Letona - Motion for Sanctions (Proposed)(Chavez Letona)" History

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